

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Chad Nicholas Nelson,

Case No. 23-cv-2029 (PJS/TNL)

Plaintiff,

v.

**ORDER**

Paul Schnell *et al.*,

Defendants.

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This matter comes before the Court on pro se Plaintiff Chad Nicholas Nelson’s “Motion to Alter or Amend a Judgement Per Fed. R. Civ. Proc. 59(e). Order Dated 10-24-2023,” ECF No. 15. In light of Nelson’s pro se status, the Court construes his motion as a request for an extension of time to submit an amended complaint as directed by the Court in an Order dated October 24, 2023. *See* ECF No. 15 at 1 (“Plaintiff Chad Nelson respectfully moves this Court for more time to submit an amended complaint per the order dated 10-24-2023.”); *see generally* ECF No. 14. Nelson requests until “at least December 8, 2023 or as a date deemed more appropriate by this Court” to submit the amended complaint. ECF No. 15 at 5.

For good cause shown, the Court grants Nelson’s motion in part to the extent he seeks an extension of time to submit an amended complaint. In his motion, Nelson notes that he will not have access to certain documents until after December 11 or 12, 2023. *See* ECF No. 15 at 1 (December 12), 3 (December 11). **Therefore, the Court will give Nelson until December 22, 2023 to file an amended complaint.**

As stated in the October 24 Order, Nelson is reminded that:

In addition to incorporating whatever substantive changes that Nelson wants to add to the Complaint, the amended pleading should also follow the following instructions:

- Nelson should type (or neatly print) his complaint on the Court's template Complaint for Violation of Civil Rights Under 42 U.S.C. § 1983, a copy of which will be sent to him. The template's "Caption" section should clearly name each and every party that Nelson intends to sue.
- Nelson must name the defendant or defendants that are allegedly responsible for harming him. In the "Statement of Claim" section, he should provide a short and plain statement of the factual allegations supporting his claims.
- If Nelson names multiple defendants, he should establish each separate defendant's responsibility for harming him. In other words, for each defendant, Nelson must allege facts showing how that particular defendant's acts or omissions violated his federal-law rights. Nelson needs to describe the actions of each defendant named in this case, so that each specific defendant can receive notice of what he or she is accused of doing. Nelson should also specify the capacity in which he is suing each individual defendant (that is, his or her individual capacity, official capacity, or both).
- Once filed, the amended complaint will completely replace the original Complaint; any claims that Nelson does not reallege will be treated as abandoned.

ECF No. 14 at 3-4. And again, as stated in the October 24 Order, if Nelson does not submit an amended complaint by December 22, 2023, "then the Court will assume that he

wants this action to proceed with the original Complaint acting as the operative pleading.” ECF No. 14 at 4.

In granting Nelson’s request for an extension of time, the Court expresses no opinion on any of the substantive discussion contained in Nelson’s motion regarding this or any of his other pending cases. To the extent Nelson’s motion could be construed as seeking additional relief beyond the extension granted herein, his motion is denied.

### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Nelson’s “Motion to Alter or Amend a Judgement Per Fed. R. Civ. Proc. 59(e). Order Dated 10-24-2023.,” ECF No. 15, is **GRANTED IN PART** and **DENIED IN PART** as set forth herein.
2. **On or before December 22, 2023**, Nelson shall submit an amended complaint as set forth in the Court’s October 24 Order.
3. If Nelson does not complete item (2), then the Court will assume that he means for the current Complaint to serve as this action’s operative pleading.<sup>1</sup>

Dated: November 30, 2023

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

*Nelson v. Schnell et al.*  
Case No. 23-cv-2029 (PJS/TNL)

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<sup>1</sup> Again, the Court refrains from considering Nelson’s other pending motions until it receives his amended complaint.